

STATE OF MICHIGAN  
JUDICIAL DISTRICT  
JUDICIAL CIRCUITMOTION FOR POSSESSION  
PENDING JUDGMENT  
Claim and Delivery

CASE NO.

Court address

Court telephone no.

Plaintiff name(s) and address(es)

Defendant name(s) and address(es)

v

Plaintiff attorney, bar no., address, and telephone no.

**MOTION**

1. Plaintiff is lawfully entitled to possession of the following described property:

2. The property may be damaged, destroyed, concealed, disposed of or used so as to substantially impair its value before final judgment, unless the property is taken into custody by court order, because: State facts

3. Plaintiff moves for possession of the described property pending final judgment.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Attorney

**RESTRAINING ORDER AND ORDER TO APPEAR**TO THE DEFENDANT(S): **IT IS ORDERED:**

1. You shall refrain from damaging, destroying, concealing, disposing of or using so as to substantially impair its value, the property described above, until further order of the court.

2. You shall appear in court ☐ at the above address ☐ at \_\_\_\_\_for a hearing on the motion on \_\_\_\_\_ at \_\_\_\_\_ to answer the motion.  
Date Time

If you do not appear at the hearing the property may be taken from you.

Date

Judge

Bar no.

**MOTION FOR POSSESSION****RETURN OF SERVICE**

Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve this motion, restraining order and order to appear not later than 7 days before the scheduled hearing date. You must make and file your return with the court clerk immediately.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE**☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

**OR**☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

☐ I served personally a copy of the restraining order and order to appear,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the restraining order and order to appear,

together with \_\_\_\_\_, on the defendant(s):  
Attachment

Defendant's name	Complete address of service	Day, date, time
Defendant's name	Complete address of service	Day, date, time
Defendant's name	Complete address of service	Day, date, time

☐ After diligent search and inquiry, I have been unable to find and serve the following defendant(s):

I have made the following efforts in attempting to serve process: \_\_\_\_\_

☐ I have personally attempted to serve the restraining order and order to appear, together with \_\_\_\_\_  
Attachment

\_\_\_\_\_ on \_\_\_\_\_  
Name  
at \_\_\_\_\_ and have been unable to complete service because  
Address  
the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the restraining order and order to appear, together with \_\_\_\_\_  
Attachment

\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_.  
Signature